

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hyun-Kwon CHUNG et al.

Serial No. 10/686,537

Group Art Unit: 2194

Confirmation No. 4036

Filed: October 16, 2003

Examiner: Nathan E. Price

For: DATA STORAGE MEDIUM HAVING INFORMATION FOR CONTROLLING BUFFERED
STATE OF MARKUP DOCUMENT, AND METHOD AND APPARATUS FOR
REPRODUCING DATA FROM THE DATA STORAGE MEDIUM

APPLICANTS' STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Interview Summary mailed October 1, 2008, for the telephone interview conducted on October 1, 2008, between Examiner Nathan E. Price and the undersigned attorney, Randall S. Svihla, is acknowledged. The applicants' statement of the substance of the interview required by the Interview Summary and MPEP 713.04 appears below..

The Examiner has provided the following statement of substance in the Interview Summary:

Applicant called about the current rejections. Examiner explained the example of a storage medium provided in the advisory action was an example of one way to overcome the 101 rejection regarding carrier waves. Examiner requested that Applicant's arguments be submitted in written form.

The telephone interview is briefly discussed on page 7 of the Amendment Accompanying Request for Continued Examination of October 2, 2008. A more detailed discussion is provided below.

On October 1, 2008, the Examiner faxed the attorney a copy of the Advisory Action of October 1, 2008, since it had not yet been scanned into the image file wrapper.

After reviewing the Advisory Action, the attorney called the Examiner to discuss the following rebuttal arguments by the Examiner in the Advisory Action regarding the rejection of claims 1-10 under 35 USC 101 as being directed to non-statutory subject matter due to the statement in paragraph [0095] of the specification as originally filed that a carrier wave medium is an example of permanent or removable storage:

Regarding the carrier wave, the amendment to the specification removes carrier wave as a specifically disclosed form of storage. However, even with the amendment to the specification, it remains reasonable to interpret "computer-readable medium" as a carrier wave. The rejection can be overcome by directing the claim to a computer-readable storage medium and stating that the amendment to the specification is intended to remove carrier wave from the subject matter claimed by reciting computer-readable medium. However, the exact wording used by Applicant will need to be fully considered before the rejection can be withdrawn.

The attorney stated that the Examiner's requirement that the claims be amended to recite "a computer-readable storage medium" is a new requirement that has never been made before, and is therefore a new ground of rejection under 35 USC 101. The attorney stated that the Examiner should reopen prosecution and issue a non-final Office Action. The Examiner declined to do so.

The attorney stated that the Examiner's position is completely unsupported by law, and pointed out that the Examiner has not cited a single statute, rule, procedure, guideline, or decision in support of his position, despite the applicants' repeated requests that he do so. The Examiner stated that he had been instructed to make this rejection by a WQAS (Workgroup Quality Assurance Specialist) in Technology Center 2100. The attorney asked for the name of the WQAS, but the Examiner declined to provide it. The attorney attempted to explain why the applicants consider the Examiner's position to be improper, but the Examiner asked the attorney to submit the arguments in writing.

The attorney stated that he did not understand the following rebuttal arguments by the Examiner in the Advisory Action regarding the rejection of claim 1 under 35 USC 102(b) as being anticipated by Sullivan:

Applicant further argues that Sullivan fails to teach preloading of a markup document. However, Sullivan teaches multimedia as part of web pages (p. 75 paragraph 1). Therefore, the multimedia is interpreted as part of the markup document disclosed by Sullivan. With respect to the AV data separately recited from the markup document, Sullivan teaches AV data files being selected not only by the programmer (p. 75 "filename") ,but also by a user (p. 96 first full paragraph). Therefore, Sullivan teaches the presence of additional AV data not incorporated into the markup document.

The attorney asked the Examiner to clarify his arguments, but the Examiner declined to do so, and asked the attorney to submit arguments in writing regarding this point.

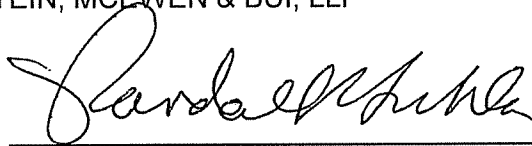
Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: _____

10/30/08

By: _____



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